

Notice of Allowability

Application No.

09/895,702

Examiner

Randy Peaches

Applicant(s)

KUGLER, BRETT E.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed 10/05/05.
2. ☒ The allowed claim(s) is/are 1-6, 10-13, 15-17, 19 and 20 (renumbered as claims 1-15).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Regarding independent ***claims 1, 10 and 17***, among the cited prior art, the following is the closest prior art relevant to the claimed invention:

a.) ***U.S. Patent Number 5,965,848, hereinafter disclosed as "Altschul et al. (I)" – Disposable Portable Electronic Device and Method of Making***

b.) ***U.S. Patent Number 5,875,393, hereinafter disclosed as "Altschul et al. (II)" – Disposable Wireless Telephone***

The claimed invention is aimed at a disposable business card and cellular telephone, constructed upon a paper substrate, wherein the components therein are also composed of paper technologies. The Applicant asserts that the claimed invention is aimed at providing a more cellular telephone business card intended to automatically call the person or entity associated with the business card. The claimed invention is not intended to receive calls.

Altschul et al. (I) discloses an economical portable electronic device composed of a ribbon-like dielectric material, of which, a printed circuit is disposed upon, composed of a conductive ink. The substrate has a high degree of flexibility, folding the substrate upon itself into shorter lengths within the prescribed length of the body.

To further support the descriptive invention of ***Altschul et al. (I)***, ***Altschul et al. (II)*** teaches of a disposable wireless telephone and a method of using a disposable wireless telephone which capable of both receiving and transmitting communications.

Although, in contrast with distinctly comparable differences, ***Altschul et al. (I)*** and ***Altschul et al. (II)***, in it's combination, are considered to constitute to the state of the claimed invention; however, neither represents the explicitly the premise, as disclosed by the Applicant in subjects of the arguments of the "*Appeal Brief*", that the said device and it's components are solely composed of paper technologies. Additionally, unlike Applicant's claimed invention, ***Altschul et al. (I) and Altschul et al. (II)*** teaches of a disposable device capable of both transmitting and receiving communications.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record is considered pertinent to applicant's disclosure.

a.) Stephen Mraz of March 1, 2001 edition of Machine Design, "Thin, flexible battery needs no case."

b.) Woo (U.S. Patent Number 6,317,086 B1)

c.) Howstuffworks, "How Disposable Cell Phones Will Work" by Kevin Bonsor', June 21, 2001 edition

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
March 3, 2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER